

**NURSING HOME ADMINISTRATOR EXAMINING BOARD
MINUTES
MADISON, WISCONSIN
DECEMBER 13, 2001**

PRESENT: David Egan, Dr. Robert Kessler, Robert Mulder, Anthony Oberbrunner, Karen Robinson, Jerry Schallock, Patricia Schulz, and Roxann Sobek

ABSENT: Karen Robinson

STAFF PRESENT: Cletus Hansen; Jefferson-Moore, Legal Counsel; Steve Gloe, Jack Temby and Darwin Tichenor for a portion of the meeting

CALL TO ORDER

The meeting was called to order at 9:38 a.m. by Jerry Schallock, Vice Chair. A quorum of six voting members and one non-voting member was present. Karen Robinson was not able to attend, due to her attendance at BQA's Industry Advocacy Committee in the Department of Health and Family Services.

AGENDA

MOTION: Pat Schulz moved, seconded by David Egan, to approve the agenda, as published. Motion carried unanimously.

MINUTES (10/18/01)

MOTION: Robert Mulder moved, seconded by Robert Kessler, to approve the minutes, as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Bureau Director's Report

- **Board Roster**

The Board noted correspondence that Elaine August had resigned from the Board, due to the illness of her father.

- **2002 Meeting Dates**

Copies the 2002 meeting dates were noted.

- **To-Do List**

Noted

- **Summary Reports on Pending Court Cases, Disciplinary Cases and Administrative Rules**

Noted

- **Monthly Press Releases**

Noted

- **To-Pass Folder**

Routed to members.

LEGISLATIVE UPDATE

AB 207, Requirements that Apply to a Person Taking the Examination for a Nursing Home Administrator License

The board meeting packet included a Legislative Contact Report, correspondence with Representative Sheldon Wasserman's office regarding an amendment to the bill, and a notice that the bill passed the Assembly by a 96-2 vote.

The Board briefly discussed the amendment, relating to exempting from licensure "a person who serves as an administrator of a facility for the care and treatment of the sick that is operated by and for persons who rely solely upon treatment by spiritual means through prayer."

Tony Oberbrenner shared information he had concerning such facilities in his area.

By consensus, the Board does not oppose the amendment.

ADMINISTRATIVE RULES UPDATE

Final Adoption of Clearinghouse Rule 01-101

MOTION: Robert Mulder moved, seconded by Roxann Sobek, to order the adoption of Clearinghouse Rule 01-101. Motion carried unanimously.

EXAMINATION ISSUES

No open session issues.

BOARD MEMBER ACTIVITY

Pat Schulz inquired whether any of the Board members would be concerned about her being re-appointed to the Board, even though she is not currently working as a nursing home administrator. She still holds a license and is staying abreast of the issues. No concerns were expressed.

NAB MID-YEAR MEETING HIGHLIGHTS

Noted

MISCELLANEOUS CORRESPONDENCE/INFORMATION

Communications With the Bureau of Quality Assurance

Names and phone numbers provided by BQA were noted.

Other

E-mail messages sent to Clete Hansen by David Egan and others, relating to federal requirements for physician visits and DHFS requirements for supervision of certified nursing assistants, were discussed. The Board noted that these issues do not fall under the Board's statutes or rules.

NEW BUSINESS

Pat Schulz, as promised at the last meeting, provided information about dental care for Medicaid/BadgerCare recipients. She provided an article from the WDA Journal (a publication of the Wisconsin Dental Association), the current medical assistance fee schedule, a Medicaid Dental Fact Sheet FY 2000, an article on the revised dental maximum fee schedule, and information about the Joint Legislative Council's Special Committee on Dental Care Access.

The Board discussed the federal requirement for an annual oral exam for care residents, and the fact that, in practice, many oral exams are done by a patient's physician. The Board discussed the impact of the number of dentists in Wisconsin and the low fee schedule on the federal requirement. Some Board members suggested that the federal regulators ought to simply require that residents brush their teeth twice a day. Board members asked what the state surveyors are going to focus on. Tony Oberbrunner said that he is not aware of any recent directive from DHFS concerning dental exams and cleanings. Pat said that she will share her information with the Wisconsin Dental Association.

RECESS TO CLOSED SESSION

MOTION: Pat Schulz moved, seconded by David Egan, to convene the meeting in Closed Session pursuant to sections 19.85(1)(a), (b), (f) and (g), Wis. Stats.: to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person, and to discuss the case status report and case closings. Motion carried by a roll call vote: David Egan - yes; Dr. Robert Kessler - yes; Jerry Schallock - yes; Pat

Schulz - yes; Roxann Sobek - yes; Robert Mulder – yes. Motion carried unanimously.

Open Session recessed at 11:10 a.m.

The Board deliberated on an application for the exam, submitted by Sheryl Konig, and a case summary, submitted by DOE.

The Board discussed concerns about open investigations and requested a report concerning open cases from DOE at the next meeting. The Board noted that there were 113 unlicensed practice cases received by the Department from January 1, 2001 to December 4, 2001, relating to the various kinds of credentials issued by the Department. None of these complaints relate to nursing home administrators.

RECONVENE IN OPEN SESSION

MOTION: Pat Schulz moved, seconded by Robert Kessler, to reconvene in Open Session at 12:12 p. m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Pat Schulz moved, seconded by Robert Mulder, to close case #00 NHA 008. Motion carried unanimously.

APPLICATION FOR EXAM

Sheryl Konig (Rib Lake, WI)

MOTION: David Egan moved, seconded by Robert Mulder, to permit Sheryl Konig to apply for the NHA examination, assuming that she has met all usual licensing requirements. Motion carried by a 4 to 2 vote.

ADJOURNMENT

MOTION: Robert Kessler moved, seconded by Pat Schulz, to adjourn the meeting at 12:22 p. m. Motion carried unanimously.